

Article - Alcoholic Beverages

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§4-206.

(a) (1) In this section, “floor space” means the space devoted to the retail sale of alcoholic beverages for off-premises consumption that:

(i) for a license without on-premises consumption privileges, is within the four walls of the building from which the licensed business operates; or

(ii) for a license with on-premises consumption and off-premises consumption privileges, is used to sell, display, or store alcoholic beverages.

(2) “Floor space” includes:

(i) a basement in a licensed premises; and

(ii) any area off the licensed premises where the alcoholic beverages are lawfully stored.

(b) Except as provided in subsection (c) of this section:

(1) a local licensing board may not issue a license for use in an establishment in which more than 10,000 square feet of floor space is to be devoted to the sale of alcoholic beverages for off-premises consumption; and

(2) a food store issued a license on or before October 1, 1997, may not expand the floor space of its alcoholic beverages department beyond a total of 10,000 square feet, without regard to the total area available within the four walls of the business premises.

(c) (1) A local licensing board may issue a license for use in premises in which more than 10,000 square feet of floor space is devoted to the sale of alcoholic beverages for off-premises consumption, if the local licensing board:

(i) holds a public hearing;

(ii) determines that the issuance of the license:

1. would serve the public need; and

2. would not adversely impact existing retail license holders in the immediate vicinity of the premises, including those license holders that may be in a contiguous county or city; and

(iii) obtains from the Comptroller a written report in which the Comptroller determines that the issuance of the license:

1. would not adversely affect the orderly distribution of alcoholic beverages in the State; and

2. would comply with all applicable provisions of this article relating to the issuance of multiple licenses.

(2) If the Comptroller determines that an application submitted under this subsection does not meet the criteria provided under paragraph (1)(iii) of this subsection, the local licensing board may not issue the license.

(d) There is no presumption in favor of or which otherwise requires a local licensing board to approve a request by a license holder to expand the amount of space devoted to the retail sale of alcoholic beverages for off-premises consumption up to 10,000 square feet, unless the local licensing board finds that:

(1) the expansion is necessary to accommodate the public; and

(2) the license holder otherwise continues to meet the criteria for the issuance or transfer of a license and any other condition that the local licensing board imposes.

(e) This section does not prohibit the renewal or transfer of ownership or location of a license issued for use by an establishment that on or before October 1, 1997, had more than 10,000 square feet of floor space devoted to the sale of alcoholic beverages for off-premises consumption.

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